

REMARKS

Applicant has had an opportunity to review the outstanding Office Action issued by the U.S. Patent & Trademark Office in connection with this application, and now respectfully request that the Examiner reconsider and/or reexamine the present application in view of remarks contained in this paper.

Summary of the Amendments to the Claims

No claim amendments are being made in conjunction with the filing of this paper.

Comments/Arguments

Independent claim 314 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,462,488 to McKillip ("McKillip"). This rejection is hereby traversed. Notably, the claim calls for a cardstock sheet construction and an ultraremovable adhesive which is in "only partial contact" with the cardstock sheet construction.

Notably, McKillip fails to expressly teach or fair suggest the foregoing. On the contrary, if at all, McKillip suggests complete contact between the adhesive 28 and the back side 45 of the second layer of material 24 (i.e., the cardstock sheet). Note, as clearly shown in the FIGURES of McKillip, the adhesive 28 is coextensive with the entire construction. Additionally, the adhesive is expressly recited in McKillip as "preferably a pressure sensitive adhesive, such as an acrylic based permanent adhesive or a removable rubber based adhesive – although other types of conventional adhesives are also contemplated for use." Col. 7, lines 36-41.

First, the foregoing adhesive described by McKillip is not an ultraremovable adhesive as one of ordinary skill in the art would understand it. Second, nowhere does McKillip expressly teach or fair suggest that the disclosed adhesive 28 only partially contacts the back side of the cardstock as claimed. On the contrary, the conventional adhesives as alluded to by McKillip generally make substantially complete contact with the respect to the substrates they abut in

laminar constructions. This is contrary to the express language of the claim in this instance.

The Examiner also argues in the outstanding Office Action that

“the limitation ‘the ultraremovable adhesive providing only partial contact with the cardstock sheet construction and the partial contact prevent [sic in original] the ultraremovable adhesive from becoming permanent over time’ is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure.”

This argument is flawed in several respects. First, the language is not function. Rather, the language is expressly structural in that it describes the degree of contact between the adhesive and the cardstock. Second, the prior art (i.e., McKillip) is not substantially identical in composition and/or structure. In particular, nowhere does McKillip disclose or illustrate that the adhesive 28 only partially contacts the second layer of material 24 (i.e., the cardstock). Moreover, nowhere does McKillip disclose that the adhesive 28 is an ultraremovable adhesive as it would be understood by one of ordinary skill in the art.

Accordingly, it is respectfully submitted that independent claim 314 distinguishes patentably over the prior art, along with any and all claims depending therefrom.

Independent claim 339 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over McKillip. This rejection is also hereby traversed. Notably, claim 339 calls for a suspension-polymer ultraremovable adhesive. McKillip does not expressly disclose or fairly suggest such an adhesive. Again, McKillip only explicitly discloses two adhesives which may be used as the disclosed adhesive means 28: 1) an acrylic based permanent adhesive, which is not ultraremovable as claimed, or 2) a removable rubber based adhesive, which is not a suspension-polymer as claimed. Clearly, McKillip does not disclose the claimed adhesive. In other words, the claimed adhesive differs from the disclosed acrylic based permanent adhesive inasmuch as the claimed adhesive is ultraremovable as opposed to being permanent. The claimed adhesive also

differs from the disclosed removable rubber based adhesive inasmuch as the claimed adhesive is a suspension-polymer as opposed to being rubber based.

Notwithstanding the foregoing distinctions clearly set forth by the Applicant, the Examiner alleges in the outstanding Office Action that the "Applicant has not specifically pointed out how the adhesive of McKillip differs from that claimed in claim 339." However, it is well established that the Examiner first has the burden of making a *prima facie* case of obviousness, which includes demonstrating that the applied reference(s) teach each any every element or feature claimed. The Examiner has not met this burden inasmuch as no showing has been made that McKillip teaches an ultraremovable suspension-polymer adhesive. Rather, the Examiner merely "deems" the adhesive disclosed by McKillip to be an ultraremovable suspension-polymer adhesive with out any support on the record for making such a determination. To be sure, the explicit disclosure of McKillip is contrary to the Examiner's conclusion. In particular, the acrylic base adhesive mentioned by McKillip is explicitly disclosed as "permanent" (i.e., not ultraremovable as claimed). Alternately, the removable adhesive mentioned by McKillip is explicitly disclosed as "rubber based" (i.e., not a suspension-polymer as claimed).

Accordingly, it is respectfully submitted that independent claim 339 distinguishes patentably over the prior art, along with any and all claims depending therefrom.

Independent claim 363 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over McKillip. This rejection is hereby traversed. Significantly, claim 363 recites a primer coat between the adhesive and the liner sheet. McKillip does not teach this feature.

Nevertheless, the Examiner argues that the disclosed "adhesive deadener" of McKillip equates with the claimed primer coat. Importantly, however, McKillip discloses that the adhesive deadener 70 is applied to the bottom surface 45 of the second layer of material 24 (i.e., the cardstock). Col. 9, lines 8-10. Additionally, as disclose by McKillip, the adhesive 28 is applied to the upper surface 37 of the first layer of material 22 (i.e., the liner). Col. 7, lines 36

and 37. This means that in the overall construction the deadener 70 resides between the second layer of material 24 (i.e., the cardstock) and the adhesive 28. On the contrary, the claim calls for the primer coat to be between the adhesive and the liner (i.e., the first layer of material 22 as disclosed by McKillip). That is to say, McKillip discloses the deadener 70 on the opposite side of the adhesive 28 as compared to the claimed primer coat. See the simplified examples below which illustrate this point.

McKillip discloses:

Second Layer of Material 24 (i.e., cardstock)
Deadener 70
Adhesive 28
First Layer of Material 22 (i.e., liner)

Claim 363 calls for:

Cardstock
Adhesive
Primer Coat
Liner

Therefore, the deadener does not read on the claimed primer coat.

Nevertheless, in the outstanding Office Action, the Examiner has argued that the adhesive 28 (as disclosed by McKillip) has an adhesive deadener applied on the bottom surface next to the liner sheet. In support of this allegation, the Examiner cites column 4, lines 9-21 of McKillip. Clearly, the Examiner has misread this passage. The cited text expressly states that the deadener is applied "to the bottom surface of the second layer of material" (i.e., the cardstock), and not to the bottom surface of the adhesive as suggested by the Examiner. Accordingly, the deadener does not reside between the adhesive and the liner, rather the deadener resides between the cardstock and the adhesive.

Accordingly, it is respectfully submitted that independent claim 363 distinguishes patentably over the prior art, along with any and all claims depending therefrom.

Independent claim 387 also currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over McKillip. This rejection is hereby traversed. Notably, claim 387 calls for a "primer-coated liner sheet." McKillip fails to disclose such a liner sheet.

Again, the Examiner erroneously argues that the deadener 70 of McKillip equates to a primer coat and therefore McKillip discloses a primer-coated liner sheet as claimed. It is clear from the disclosure of McKillip, however, that the deadener 70 is applied to second layer of material 24 (i.e., the cardstock) and not the first layer of material 22 (i.e., the liner). As such, McKillip does not teach a primer-coated liner. Accordingly, it is respectfully submitted that independent claim 387 distinguishes patentably over the prior art, along with any and all claims depending therefrom.

Conclusion

For at least the reason(s) presented above, all the claims now remaining in the application are in condition for allowance, and accordingly, an early indication of the same is earnestly solicited.

Of course, if the Examiner feels that personal contact would facilitate expedited disposition of the present application, then he/she is hereby invited to contact the below signed representative of the Applicant.

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Date

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